



**CITY OF NEW ORLEANS
BOARD OF ZONING ADJUSTMENTS**

**Regular Meeting Agenda
Monday, February 18, 2013
10:00 a.m. City Planning Conference Room, Room 7W03
1300 Perdido Street, New Orleans, Louisiana**

The decision made by the Board will be provided in the form of a resolution. The staff has ten (10) business days after this meeting to produce the resolution. The resolution will be mailed to the address provided on the application, or the applicant may pick-up a copy of the resolution in the City Planning Commission Office.

If the mailing address provided on the application is incorrect, please notify the staff of the correct mailing address.

A. Call to Order and Roll Call, Adoption of Minutes, Communications, Reading of Hearing Rules, and Election of Chairperson

B. BZA Dockets – Old Business

ITEM 1 – Docket Number: 227-12 **WITHDRAWN**
Applicant or Agent: Karlette Billy
Property Location: 3517 Bacchus Drive **Zip:** 70131
Bounding Streets: Tullis, Bacchus and Berkley Drives, & Lancaster Street
Square Number: 2 **Lot:** 3
Zoning District: RS-2 Single-Family Residential **ZBM:** F-17
Historic District: N/A **Planning District:** 12
Existing Use: Single-Family Residence
Proposed Use: Single-Family Residence

Request Citation: This request is for a variance from the provisions of Article 15, Section 15.2.3 of the Comprehensive Zoning Ordinance.

Request:

This request is to permit parking in the required front yard area. **(AFTER THE FACT)**

Requested Waiver:

Section 15.2.3 – Parking in Front Yards

Permitted: 0 Spaces Proposed: 1 Space Waiver: 1 Space

ITEM 2 – Docket Number: 235-12 **MDO**
Applicant or Agent: 8518 Oak St., LLC
Property Location: 2100 Oretha Castle Haley Boulevard **Zip:** 70113
Bounding Streets: O. C. Haley Blvd., Josephine St., Baronne St., & Jackson Ave.
Square Number: 269 **Lots:** 12-A
Zoning District: C-1 General Commercial **ZBM:** C-15
Historic District: HDLC Nominated Building **Planning District:** 2
Existing Use: Mixed-Use and Two (2) Single-Family Residences
Proposed Use: Mixed-Use and Two (2) Single-Family Residences

Request Citation: This request is for a variance from the provisions of Article 15, Section 15.2.5.16 of the Comprehensive Zoning Ordinance.

Request:

This request is to permit the paving surfaces for off-street parking and drives to be gravel for a mixed-use development.

Requested Waiver:

Section 15.2.5.16 – Paving Surfaces

Required: Gravel is not permitted
Proposed: Gravel
Waiver: Gravel

ITEM 3 – Docket Number: 251-12 **MDO**
Applicant or Agent: Robert O’Brien
Property Location: 1323-25 St. Philip Street **Zip:** 70116
Bounding Streets: St. Philip, Tremé, Marais Sts., & Ursulines Ave.
Square Number: 146 **Lot:** 6
Zoning District: HMR-1 Historic Marigny/ Tremé Residential
RDO Residential Diversity Overlay
Historic District: Marigny/ Tremé Local Historic **ZBM:** D-13
Existing Use: Vacant Lot **Planning District:** 4
Proposed Use: Two (2) Four-Family Residences

Request Citation: This request is for variances from the provisions of Article 9, Section 9.1.6 (Table 9.A) and Article 15, Section 15.5.7(3) of the Comprehensive Zoning Ordinance.

Request:

This request is to permit the construction of a four-family residence with insufficient minimum lot area per dwelling unit, excessive floor area ratio, and units not oriented towards a public street.

Requested Waivers:

Section 9.1.6 (Table 9.A) – Minimum Lot Area (Eight Dwelling Units)

Required: 7,200 sq. ft. Provided: 4,096 sq. ft. Waiver: 3,104 sq. ft.

Section 9.1.6 (Table 9.A) – Maximum Floor Area Ratio

Permitted: 1.3 Provided: 1.87 Waiver: .57

Article 15, Section 15.5.7(4) – Yards and Open Space Generally (Orientation)

Required: Orientation toward a public street

Provided: Behind a proposed multi-family residential structure

Waiver: Orientation toward a public street

ITEM 4 – Docket Number:	248-12	RP
Applicant or Agent:	Matthew Morgan Wisdom and Ginny Emory	
Property Location:	2507 Prytania Street	Zip: 70130
Bounding Streets:	Saint Charles Avenue, 2 nd , 3 rd & Prytania St.	
Square Number:	214	Lot: A-1
Zoning District:	RD-2 Two-Family Residential	ZBM: C-15
Historic District:	N/A	Planning District: 2
Existing Use:	Single-Family Residence	
Proposed Use:	Single-Family Residence	

Request Citation: This request is for variances from the provisions of Article 4, Section 4.5.7 (Table 4.E), Article 15, Section 15.2.3 and Article 15, Section 15.5.12 (7) of the Comprehensive Zoning Ordinance.

Request:

This request is to permit construction of a carport in the required front and side yard setback, and construction of a pool in the required side yard area with insufficient distance from the side property line.

Requested Waivers:

Section 4.5.7 (Table 4.E) – Minimum Width of Side Yard (Saint Charles Avenue Side)

Required: 3'	Provided: 1'	Waiver: 2'
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Section 4.5.7 (Table 4.E) – Minimum Depth of Front Yard (Second Street Side)

Required: 20'	Provided: 0'	Waiver: 20'
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Section 15.2.3 – Parking in Front Yards

Required: Not Permitted	Provided: 2 Spaces	Waiver: 2 Spaces
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Section 15.5.12 (7) – Accessory Buildings and Structures (Accessory Swimming Pools – Distance from Side Property Line)

Required: 4'	Provided: 3'	Waiver: 1'
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C. Director of Safety and Permits Decision Appeals – Old Business

No Items.

D. BZA Dockets – New Business

ITEM 5 – Docket Number:	014-13	DIS
Applicant or Agent:	Uptown Acquisitions, LLC	
Property Location:	4800 Magazine Street	Zip: 70115
Bounding Streets:	Magazine St., Bordeaux St., Constance St., & Lyons St.	
Square Number:	198	Lot: A
Zoning District:	B-2 Neighborhood Business	ZBM: B-15
Historic District:	N/A	Planning District: 6
Existing Use:	Veterinary Office	
Proposed Use:	Restaurant	

Request Citation: This request is for variances from the provisions of Article 15, Section 15.2.1 (Table 15.A) of the Comprehensive Zoning Ordinance.

Request:

This request is to permit conversion of a veterinary office into a restaurant with insufficient off-street parking.

Requested Waiver:

Section 15.2.1 (Table 15.A) – Off-Street Parking

Required: 8 Spaces Proposed: 0 Spaces (6 Grandfathered) Waiver: 2 Spaces

ITEM 6 – Docket Number:	015-13	DT
Applicant or Agent:	Angeline Larrieu	
Property Location:	4117 Orleans Avenue	Zip: 70119
Bounding Streets:	Carrollton Ave., Dumaine St., Orleans Ave., & Bungalow Ct.	
Square Number:	468	Lot: P
Zoning District:	LRD-2 Lakewood/Parkview Two-Family Residential	
Historic District:	N/A	ZBM: C-12
Existing Use:	Two-Family Residence	Planning District: 5
Proposed Use:	Two-Family Residence w/ excessive paving	

Request Citation: This request is for variances from the provisions of Article 15, Section 15.6.6 of the Comprehensive Zoning Ordinance.

Request: This request is to permit excessive paving of the required front and corner lot side yard areas. (AFTER THE FACT)

Requested Waivers:

Section 15.6.6 – Limitation on Pavement of Required Yard Areas (Front Yard)

Permitted: ≤ 40% Proposed: 100% Waiver: 60%

Section 15.6.6 – Limitation on Pavement of Required Yard Areas (Front Yard on Side Street)

Permitted: ≤ 40% Proposed: 100% Waiver: 60%

ITEM 7 – Docket Number: 016-13 **LF**
Applicant or Agent: Vincent Marcello, Jr.
Property Location: 532 South Hennessey Street **Zip:** 70119
Bounding Streets: D’Hemecourt St., Baudin St., S. Hennessey St., & S. Solomon St.
Square Number: 788 **Lot:** 4
Zoning District: RD-3 Two-Family Residential **ZBM:** B-12
Historic District: N/A **Planning District:** 4
Existing Use: Vacant Lot
Proposed Use: Two-Family Residence

Request Citation: This request is for variances from the provisions of Article 4, Section 4.6.7 (Table 4.F), and Article 15, Section 15.2.1 (Table 15.A) of the Comprehensive Zoning Ordinance.

Request:

This request is to permit the construction of a two-family residence with insufficient minimum lot area per dwelling unit and insufficient off-street parking.

Requested Waivers:

Section 4.6.7 (Table 4.F) – Minimum Lot Area (Two-Family)

Required: 3,600 sq. ft. Proposed: 3,445 sq. ft. Waiver: 155 sq. ft.

Section 15.2.1 (Table 15.A) – Off-Street Parking

Required: 2 Spaces Proposed: 0 Spaces Waiver: 2 Spaces

ITEM 8 – Docket Number: 017-13 **WITHDRAWN**
Applicant or Agent: Marie Haymon
Property Location: 2011 Calhoun Street **Zip:** 70118
Bounding Streets: Freret St., LaSalle Pl., Palmer Ave., & Calhoun St.
Square Number: 102 **Lots:** 17, 18
Zoning District: RS-2 Single-Family Residential
Historic District: N/A **ZBM:** B-14
Existing Use: Single-Family Residence **Planning District:** 3
Proposed Use: Single-Family Residence w/ circular drive

Request Citation: This request is for variances from the provisions of Article 15, Section 15.2.3.6 (a), Section 15.2.3.6 (b), and Article 15, Section 15.6.6 of the Comprehensive Zoning Ordinance.

Request:

This request is to permit the construction of a circular driveway with off-street parking within the required front yard setback, insufficient minimum distance from a side property line, and excessive paving of the required front yard area.

Requested Waivers:

Section 15.2.3.6 (a) – Parking in Front Yards (Front Yard Parking)

Permitted: Not Permitted Proposed: 2 Spaces Waiver: 2 Spaces

Section 15.2.3.6 (b) – Parking in Front Yards (Driveway Distance from Side Property Line)

Required: 24 Spaces Proposed: 0 Spaces (4 Grandfathered) Waiver: 20 Spaces

Section 15.6.6 – Limitation on Pavement of Required Yard Areas (Front Yard)

Permitted: ≤ 40% (480 sq. ft.) Proposed: 63.5% (762 sq. ft.) Waiver: 23.5% (282 sq. ft.)

ITEM 9 – Docket Number: **018-13** **KC**
Applicant or Agent: Landcraft, LLC
Property Location: 329 N. Diamond and 320 St. Joseph Streets **Zip:** 70115
Bounding Streets: N. Diamond St., Tchoupitoulas St., St. Joseph St., & S. Peters St.
Square Number: 53 **Lots:** 38, 39, 9, 10, 11
Zoning District: CDB-8 Central Business District **ZBM:** C-15
Historic District: Warehouse District Historic District **Planning District:** 1a
Existing Use: Warehouse
Proposed Use: Multi-Family Residence/Ground Floor Commercial

Request Citation: This request is for a variance from the provisions of Article 6, Section 6.9.7 (Table 6.I) of the Comprehensive Zoning Ordinance.

Request:

This request is to permit the conversion of a warehouse to a mixed-use development with insufficient minimum open space.

Requested Waivers:

Section 6.9.7 (Table 6.I) – Opens Space Ratio

Required: 10% Proposed: 0% Waiver: 10%

ITEM 10 – Docket Number: **019-13** **EA**
Applicant or Agent: Charles Devrouax
Property Location: 3608-10 First St **Zip:** 70125
Bounding Streets: First, Second, South Miro, and South Tonti Sts.
Square Number: 460 **Lot:** C
Zoning District: RM-4 Multi-Family Residential **ZBM:** B-14
Historic District: N/A **Planning District:** 2
Existing Use: Vacant Lot
Proposed Use: Two-Family Residence

Request Citation: This request is for variances from the provisions of Article 4, Section 4.12.7 Table 4L, and Article 15, Section 15.2.1 Table 15A of the Comprehensive Zoning Ordinance.

Request:

This request is to permit the construction of a two-family residence with insufficient lot area per dwelling unit, insufficient front and rear yard depth, insufficient off-street parking, and excessive lot coverage.

Requested Waiver:

Section 4.12.7 (Table 4.L) – Minimum Lot Area (Two-Family)

Required: 3,500 sq. ft. Provided: 3,300 sq. ft. Waiver: 200 sq. ft.

Section 4.12.7 (Table 4.L) – Minimum Depth of Front Yard

Required: 20' (Avg 16'6") Provided: 6'5" Waiver: 10'1"

Section 4.12.7 (Table 4.L) – Minimum Depth of Rear Yard

Required: 15' Provided: 6'1 1/2" Waiver: 8'10 1/2"

Section 4.12.7 (Table 4.L) – Maximum Lot Coverage

Required: 4 feet

Provided: 3 feet

Waiver: 1 foot

ITEM 13 – Docket Number: 023-13

Applicant or Agent:	Louise Lee	
Property Location:	939 Louisa Street	Zip: 70117
Bounding Streets:	Louisa St., N. Rampart St., Piety St., & Burgundy St.	
Square Number:	284	Lot: 10-A
Zoning District:	RD-3 Two-Family Residential	ZBM: D-14
Historic District:	Bywater Local Historic	Planning District: 7
Existing Use:	Single-Family Residence	
Proposed Use:	Two-Family Residence	

Request Citation: This request is for variances from the provisions of Article 4, Section 4.6.7 (Table 4.F), and Article 15, Section 15.2.1 (Table 15.A) of the Comprehensive Zoning Ordinance.

Request:

This request is to permit the conversion of a single-family residence into a two-family residence with insufficient minimum lot area per dwelling unit, and insufficient off-street parking.

Requested Waivers:

Section 4.6.7 (Table 4.F) – Lot Area (Two-Family)

Required: 3,600 sq. ft.	Provided: 2,180 sq. ft.	Waiver: 1,420 sq. ft.
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Section 15.2.1 (Table 15.A) – Off-Street Parking

Required: 2 Spaces	Proposed: 1 Space	Waiver: 1 Space
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ITEM 14 – Docket Number: 024-13

Applicant or Agent:	Dennis and Helen Rubion	
Property Location:	353 Walnut Street	Zip: 70118
Bounding Streets:	Walnut St., Perrier St., & Prytania St.	
Square Number:	39	Lots: 3, 4, 5
Zoning District:	RS-2 Single-Family Residential	ZBM: A-14
Historic District:	N/A	Planning District: 3
Existing Use:	Single Family Residence	
Proposed Use:	Single-Family Residence	

Request Citation: This request is for variances from the provisions of Article 4, Section 4.3.7 (Table 4.C) of the Comprehensive Zoning Ordinance.

Request:

This request is to permit the construction of an addition to a single-family residence with insufficient minimum depth of rear yard.

Requested Waiver:

Section 4.3.7 (Table 4.C) – Depth of Rear Yard

Required: 20'	Proposed: 8'	Waiver: 12'
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ITEM 15 – Docket Number: 025-13 **DIS**
Applicant or Agent: 727 Nashville, LLC
Property Location: 727 Nashville Avenue **Zip:** 70115
Bounding Streets: Nashville Ave., Magazine St., Arabella St., & Constance St.
Square Number: 25 **Lot:** 7
Zoning District: B-2 Neighborhood Business **ZBM:** A-15
Historic District: N/A **Planning District:** 3
Existing Use: Single-Family Residence
Proposed Use: Single-Family Residence

Request Citation: This request is for a variance from the provisions of Article 15, Section 15.2.3, and Section 15.2.5.1(b) of the Comprehensive Zoning Ordinance.

Request:
This request is to permit off-street parking located in the required front yard setback and off-street parking that does not meet the minimum depth of stall design standards. **(AFTER THE FACT)**

Requested Waiver:
Section 15.2.3 – Parking in Front Yards
Permitted: Not Permitted Provided: 1 Space Waiver: 1 Space
Section 15.2.5.1(b) – Design Standards (Parking Stall Depth)
Required: 18’ Proposed: 12’ Waiver: 6’

ITEM 16 – Docket Number: 026-13 **MO**
Applicant or Agent: DD Frenchmen, LLC
Property Location: 601 Frenchmen Street **Zip:** 70116
Bounding Streets: Frenchmen St., Chartres St., Royal St., & Elysian Fields Ave.
Square Number: 153 **Lot:** A
Zoning District: HMC-1 Historic Marigny/Tremé Commercial and Frenchmen Street Arts & Cultural Overlay **ZBM:** D-14
Historic District: Marigny Local Historic **Planning District:** 7
Existing Use: Vacant Lot
Proposed Use: Standard Restaurant

Request Citation: This request is for variances from the provisions of Article 9, Section 9.4.6 (Table 9.D) of the Comprehensive Zoning Ordinance.

Request:
This request is to permit the construction of a restaurant with excessive floor area ratio (FAR) and insufficient open space.

Requested Waivers:
Section 9.4.6 (Table 9.D) – Floor Area Ratio
Required: ≤ 1.3 Proposed: 1.75 Waiver: 0.45
Section 9.4.6 (Table 9.D) – Opens Space Ratio
Required: 20% (340 sq. ft.) Proposed: 11% (194 sq. ft.) Waiver: 9% (147 sq. ft.)

ITEM 17 – Docket Number: 027-13 **CM**
Applicant or Agent: Neighborhood Homes, LLC
Property Location: 924 Upperline Street **Zip:** 70115
Bounding Streets: Upperline, Camp, Magazine and Robert Streets
Square Number: 238 **Lot:** C
Zoning District: RD-3 Two Family Residential **ZBM:** B-15
Historic District: None **Planning District:** 3
Existing Use: Vacant land
Proposed Use: Single-Family Residence

Request Citation: This request is for variances from the provisions of Article 4, Section 4.6.7 (Table 4.F) and Article 15, Section 15.2.3 of the Comprehensive Zoning Ordinance.

Request:
This request is to permit the construction of a single-family residence on a lot with insufficient rear yard setback and parking between the front façade and the front property line.

Requested Waivers:
Article 4, Section 4.6.7 (Table 4.F) – Minimum Rear Yard Setback
Required: 20 feet Provided: 12 feet 4 inches Waiver: 7 feet 6 inches
Article 15, Section 15.2.3 – Parking in Front Yards
Required: 0 Spaces Provided: 1 Space Waiver: 1 space

ITEM 19 – Docket Number: 028-13 **DT**
Applicant or Agent: Danny and Cindy Steib
Property Location: 5600 Cantina Street **Zip:** 70124
Bounding Streets: Homedale Ave., Florida Blvd., West End Blvd., & Catina St.
Square Number: 53 **Lot:** A
Zoning District: LRS-1 Lakeview Single-Family Residential **ZBM:** B-11
Historic District: N/A **Planning District:** 5
Existing Use: Vacant Lot
Proposed Use: Single-Family Residence

Request Citation: This request is for a variance from the provisions of Article 15, Section 15.5.8(3) of the Comprehensive Zoning Ordinance.

Request:
This request is to permit the construction of a single-family residence with insufficient corner lot side yard setback.

Requested Waiver:
Section 15.5.8(3) – Corner Lot Side Yard Setback
Required: 10’ Proposed: 7’6” Waiver: 12’ 6”

ITEM 20 – Docket Number: 029-13 **DG**
Applicant or Agent: 713, 715 and 717 St. Ann Street, LLC
Property Location: 713, 715 and 717 St. Ann Street **Zip:** 70116
Bounding Streets: St. Ann, Royal, Dumaine and Bourbon Streets
Square Number: 58 **Lot:** 26
Zoning District: VCC-1 Vieux Carré Commercial **ZBM:** D-14
Historic District: Vieux Carré **Planning District:** 1b
Existing Use: Vacant Multi-Family Residential
Proposed Use: Multi-Family Residential (six units)

Request Citation: This request is for variances from the provisions of Article 8, Section 8.4.7 (Table 8.C) of the Comprehensive Zoning Ordinance.

Request:

This request is to permit the redevelopment of a vacant building into a 6-units multi-family residential development with insufficient minimum lot area per dwelling unit and insufficient open space ratio.

Requested Waivers:

Section 8.4.7 (Table 8.C) – Minimum Lot Area per Dwelling Unit Requirement
 Required 600 sq. ft. Provided: 496 sq. ft. Waiver: 104 sq. ft. (17%)
Section 8.4.7 (Table 8.C) – Minimum Open Space Ratio (OSR)¹
 Required: 30% (893 sq. ft.) Proposed: 19% (568 sq. ft.) Waiver: 2% (48 sq. ft.)²
Existing 21% (616 sq. ft.)

E. Director of Safety and Permits Decision Appeals

ITEM 21 – Docket Number: 030-13
Applicant: 3600 Alvar, LLC
Property Owner: 3600 Alvar, LLC
Property Location: 3600 Alvar Street **Zip:** 70126
Bounding Streets: Alvar St., Higgins Blvd., Desire St., & Chickasaw St.
Square Number: 31 **Lot:** B-2-B-1
Zoning District: LI Light Industrial **ZBM:** E-12
Historic District: N/A **Planning District:** 7
Existing Use: Concrete Crushing Plant
Proposed Use: Concrete Crushing Plant

Request Citation: This is an appeal of a decision of the Director the Department of Safety and Permits as per Article 14, Section 14.5 of the Comprehensive Zoning Ordinance.

Request:

¹ Open Space Ratio. The open space on the lot divided by the floor area of all buildings on the lot. *CZO, Article 2, Section 2.2 (138) Definitions*

Floor Area. The sum of the gross horizontal areas of all floors of a building(s)... including balconies and galleries, open and enclosed porches, stairways... (*paraphrase Article 2, Section 2.2 (78) Definitions*)

² The variance is the difference between the existing, grandfathered OSR and the proposed OSR

This is an appeal of the decision of the Director of the Department of Safety and Permits regarding the loss of non-conforming status.